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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/617,260 | NAKAMURA ET AL. | |
| | Examiner | Art Unit | |
| | Kara E Geisel | 2877 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 11 July 2003.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 11 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>0904</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Preliminary Amendment

The preliminary amendment filed on July 11th, 2003 has been entered into this application.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

The certified copy has been filed in this application on November 19th, 2003.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Kratz on September 13, 2004.

The application has been amended as follows:

In regards to claim 1, line 5, "a" has been deleted and "member" has been replaced with --members-- to correct for a typographical error.

In regards to claim 2, lines 2-4, commas have been added in order to clarify that the frame retaining members are capable of holding a spectacle frame from front and rear sides, not the lens rests.

In regards to claim 5, line 1, "claims 2 or 3" has been replaced with --claim 4-- to correct for an antecedent error.

The amended claims appear below:

1. A spectacle lens optical characteristic measuring method comprising: point-supporting left and right spectacle lenses of a pair of spectacles respectively by lens rests at some midpoints of optical paths of a pair of left and right measurement optical systems; retaining a spectacle frame for the spectacle lenses from front and rear sides by a pair of frame retaining members; pressing the spectacle lenses in this

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state against the lens rests by a lens presser ~~member~~ members to correct the way the spectacle frame is retained by the frame retaining members; retracting the lens presser members from the optical paths of the measurement optical systems; measuring measurement beams around the lens rests transmitted through the spectacle lenses by the measurement optical systems; and obtaining optical characteristics of the spectacle lenses on the basis of a measurement signal from the measurement optical systems by a computation control circuit.

2. A lens meter comprising: a pair of left and right lens rests capable of point-supporting left and right lenses of a pair of spectacles; a pair of frame retaining members capable of holding a spectacle frame of the pair of spectacles, whose lenses are supported by the lens rests, from front and rear sides; lens presser members for pressing the spectacle lenses supported by the lens rests against the lens rests; a pair of left and right measurement optical systems for measuring optical characteristics of the spectacle lenses supported by the lens rests on the basis of measurement beams passing around the lens rests; and a computation control circuit which controls the measurement optical systems to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical systems,

the lens meter further comprising presser member driving means for moving the lens presser members to pressing positions where they press the spectacle lenses against the lens rests and to retracted positions where they are retracted from the pressing positions,

wherein the computation control circuit controls the measurement optical systems upon movement of the lens presser members to the retracted positions by the presser member driving means so as to cause them to execute measurement of the optical characteristics of the spectacle lenses.

5. A lens meter according to ~~Claims 2 or 3~~ Claim 4, wherein the frame detecting means is further equipped with a nose pad support member for supporting nose pads of the pair of spectacles which is arranged between the pair of left and right measurement optical systems and movable in the back and

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forth direction, biasing means for forwardly biasing the nose pad support member, and a detecting switch which detects backward movement of the nose pad support member against the biasing force of the biasing means.

Examiner's Reasons for Allowance

Claims 1-5 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious a spectacle lens optical characteristic measuring method comprising pressing the spectacle lenses against lens rests by lens presser members to correct the way the spectacle frame is retained by frame retaining members, and retracting the lens presser members from the optical paths of the measurement optical systems, in combination with the rest of the limitations of claim 1.

As to claim 2, the prior art of record, taken alone or in combination, fails to disclose or render obvious a lens meter comprising presser member driving means for moving the lens presser members to pressing positions where they press the spectacle lenses against the lens rests and to retracted positions where they are retracted from the pressing positions, wherein a computation control circuit controls the measurement optical systems upon movement of the lens presser members to the retracted positions by the presser member driving means so as to cause them to execute measurement of the optical characteristics of the spectacle lenses, in combination with the rest of the limitations of claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Additional Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record is Campbell et al. (USPN 4,098,002), Esmond (USPN 4,212,538), Nakamura

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et al. (USPN 4,676,004), Kurachi et al. (USPN 5,152,067), Abitbol et al. (USPN 6,154,969), and Fukuma et al. (US Pub 2002/0085196).

Campbell discloses a spectacle lens meter comprising a nose rest capable of retaining a pair of spectacles, a measurement optical system for measuring optical characteristics of the spectacle lenses supported by the nose rests on the basis of measurement beams passing through the lens, and a computation control circuit which controls the measurement optical system to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical system.

Esmond discloses a spectacle lens meter comprising a nose rest capable of retaining a pair of spectacles, measurement optical systems for measuring optical characteristics of the spectacle lenses supported by the nose rests on the basis of measurement beams passing through the lenses, and a computation control circuit which controls the measurement optical system to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical systems.

Nakamura discloses a spectacle lens meter comprising a nose rest capable of retaining a pair of spectacles, a lens rest for resting a lens of the spectacles, lens presser members for pressing the lens against the lens rests, a measurement optical system for measuring optical characteristics of the spectacle lenses supported by the nose rests on the basis of measurement beams passing through the lens, and a computation control circuit which controls the measurement optical system to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical system.

Kurachi discloses a spectacle lens meter comprising a nose rest capable of retaining a pair of spectacles, lens presser members for pressing the lens against the nose rest, a measurement optical system for measuring optical characteristics of the spectacle lenses supported by the nose rests on the basis of

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measurement beams passing through the lens, and a computation control circuit which controls the measurement optical system to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical system.

Abitbol discloses a spectacle lens meter comprising a pair of left and right lens rests capable of point-supporting left and right lenses of a pair of spectacles; a pair of frame retaining members capable of holding a spectacle frame of the pair of spectacles, whose lenses are supported by the lens rests, from front and rear sides; lens presser members for pressing the spectacle lenses supported by the lens rests against the lens rests, a measurement optical system for measuring optical characteristics of the spectacle lenses supported by the nose rests on the basis of measurement beams passing through the lens, and a computation control circuit which controls the measurement optical system to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical system.

Fukuma discloses a lens meter comprising a pair of left and right lens rests capable of point-supporting left and right lenses of a pair of spectacles, a pair of frame retaining members capable of holding a spectacle frame of the pair of spectacles, whose lenses are supported by the lens rests, from front and rear sides, lens presser members for pressing the spectacle lenses supported by the lens rests against the lens rests, a pair of left and right measurement optical systems for measuring optical characteristics of the spectacle lenses supported by the lens rests on the basis of measurement beams passing around the lens rests, and a computation control circuit which controls the measurement optical systems to cause it to execute the measurement and which obtains the optical characteristics of the spectacle lenses on the basis of measurement signals from the measurement optical systems, the lens meter further comprising presser member driving means for moving the lens presser members to pressing


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positions where they press the spectacle lenses against the lens rests and to retracted positions where they are retracted from the pressing positions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kara E Geisel whose telephone number is **571 272 2416**. The examiner can normally be reached on Monday through Friday, 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on **571 272 2800 ext. 77**. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and 703 872 9306 for After Final communications.


Zandra Smith
Primary Examiner
Art Unit 2877

K.G.
KEG
September 14, 2004